

## Message Text

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ACTION ACDA-12

INFO OCT-01 ISO-00 ACDE-00 SOE-02 AF-10 ARA-10 CIAE-00

DODE-00 EA-10 EUR-12 PM-05 H-01 INR-07 IO-13

L-03 NASA-01 NEA-10 NSAE-00 NSC-05 OIC-02 SP-02

PA-01 PRS-01 DOE-11 OES-07 SS-15 USIA-06 NRC-05

DOEE-00 SSO-00 /152 W

-----119357 241549Z /42

P 241522Z JAN 78

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 5041

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 01031

CW MESSAGE NO. 11

E.O. 11652: GDS

TAGS: PARM UR US

SUBJECT: US-USSR CHEMICAL WEAPONS NEGOTIATIONS, ROUND

SEVEN: ANALYSIS OF REVISED SOVIET DRAFT ARTICLES ON

DECLARATION/DESTRUCTION

REF.: A. GENEVA 654; B. 77 GENEVA 8929; C. 77 GENEVA

9309

1. THE MESSAGE TRANSMITS US DEL ANALYSIS OF SOVIET  
DRAFT ARTICLES IV, V, VI, VII AND VIII (TEXT TRANS-  
MITTED REF. A; TEXT OF PREVIOUS VERSIONS CONTAINED REF.  
B) WHICH IS BASED IN PART ON DISCUSSIONS IN THE DRAFT-  
ING GROUP ON JANUARY 19.

2. ARTICLE IV (FORMERLY SECTION I, PARA 1, DECLARATION/  
DESTRUCTION). THIS ARTICLE PROVIDES FOR DECLARATION OF  
STOCKS AND OF THE PLANS FOR THEIR DISPOSITION. THE  
FORMULATION HAS BEEN CHANGED SLIGHTLY FROM THE EARLIER  
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DRAFT, BUT THERE DOES NOT APPEAR TO HAVE BEEN ANY MAJOR  
SUBSTANTIVE CHANGE. HOWEVER, IT SHOULD BE NOTED THAT  
THE PREVIOUSLY USED TERM "PEACEFUL PURPOSES" HAS NOT  
BEEN REPLACED HERE (OR IN ARTICLES V AND VII) WITH THE  
TERM "NONHOSTILE PURPOSES" NOW USED IN ARTICLE I. WHEN  
ASKED ABOUT THIS THE CHIEF SOVIET EXPERT (SOKOLSKY)  
RESPONDED THAT "CONVERSION TO PEACEFUL PURPOSES SOUNDS

MORE SERIOUS THAN TO NONHOSTILE PURPOSES. ACCORDING TO SOVIETS, ARTICLES IV AND V THEMSELVES WOULD NOT ALLOW USE OF RETAINED AGENTS FOR TROOP TRAINING, IF IT WEREN'T FOR THE REFERENCE IN ARTICLE V TO "INDIVIDUAL EXCEPTIONS." THE EXPLANATION OF THE DIFFERENCE IN TERMINOLOGY SEEMS UNCONVINCING. IT SHOULD ALSO BE NOTED THAT THE REVISED ARTICLE DOES NOT FOLLOW THE COMMON LANGUAGE ON THIS POINT WORKED OUT IN ROUND SIX (REF C, PARA 3).

3. ARTICLE V (FORMERLY SECTION I, PARAS 2 AND 3, DECLARATION/ DESTRUCTION). THIS ARTICLE PROVIDES FOR DESTRUCTION OR DIVERSION TO PEACEFUL PURPOSES OF PROSCRIBED CHEMICALS AND DELIVERY MEANS WITHIN EIGHT YEARS AFTER ENTRY INTO FORCE. (THIS CONTRASTS WITH THE US POSITION THAT AT LEAST EIGHT YEARS AND PERHAPS MORE WILL BE NECESSARY.) THE PRINCIPAL DIFFERENCES FROM THE PREVIOUS VERSION APPEAR TO BE:

A. AN EXCEPTIONS CLAUSE. (EXCEPTIONS SPECIFIED IN ARTICLE X, WHICH IS ANALYZED BELOW). ARTICLE X PROVIDES FOR RETENTION OF CHEMICAL AGENTS FOR NONHOSTILE PURPOSES. THERE IS NO COUNTERPART IN THE PREVIOUS DRAFT ARTICLES. WHILE THE RIGHT TO USE OTHERWISE PROSCRIBED CHEMICALS FOR NONHOSTILE PURPOSES IS ALREADY COVERED BY ARTICLE I, THERE WOULD PROBABLY NOT BE A REAL PROBLEM WITH ARTICLE X WERE IT NOT FOR CONFIDENTIAL

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SEVERAL PARTICULAR FEATURES:

- PARA 1 REFERS TO "CHEMICAL AGENTS SPECIFIED IN PARAGRAPHS (A) AND (B) OF ARTICLE I". THE PROBLEM IS THAT ONLY PARA (A) APPEARS TO DEAL WITH CHEMICAL AGENTS, WHILE PARA (B) DEALS WITH DELIVERY MEANS. WHEN QUESTIONED ABOUT THIS, THE SOVIETS INDICATED THAT THEY HAD ALSO HAD DOUBTS ABOUT THE FORMULATION. THEY INDICATED THAT PARA (B) ALSO MENTIONED BINARY COMPONENTS BUT THAT THEY CONSIDERED THIS EXPLANATION NOT VERY SATISFACTORY.
- AS PRESENTLY DRAFTED PARA 1 COULD BE INTERPRETED TO MEAN THAT CHEMICAL MUNITIONS, ETC. COULD BE RETAINED AS WELL. IT IS NOT CLEAR WHETHER PARA 1 WAS JUST POORLY DRAFTED OR WHETHER IT REPRESENTS AN ATTEMPT TO CARVE OUT A LOOPHOLE FOR RETENTION OF WEAPONS, ALTHOUGH THERE IS SOME EVIDENCE THAT THE LATTER IS THE CASE.
- THE SOVIETS HAVE MADE CLEAR THAT EACH STATE SHOULD BE ABLE TO DETERMINE FOR ITSELF HOW MUCH IS RETAINED, ETC. THIS IS CONTRARY TO THE TACIT UNDERSTANDING DURING THE LAST ROUND THAT AN EFFORT WOULD BE MADE TO FIND A BASIS FOR ESTABLISHING A

CEILING.

B. USE OF THE TERM "COMBAT MEANS" IN PARA 1. IN RESPONSE TO A US QUESTION, THE SOVIETS SAID THIS TERM HAS PRECISELY THE SAME COVERAGE AS PARA (B) OF ARTICLE I. AS AN EXAMPLE OF DIVERSION OF COMBAT MEANS TO PEACEFUL PURPOSES, MELTING OF SHELL CASINGS AND RE-CYCLING OF THE METAL OBTAINED WAS CITED.

C. REFERENCE TO INDUSTRIAL AND "OTHER" FACILITIES IN PARA 2. SOVIETS SAID THAT INDUSTRIAL FACILITIES ARE "LARGE SCALE ENTERPRISES WHICH PRODUCE A VERY BIG SERIES OF SPECIFIC PRODUCTS." SOVIETS WERE VAGUE ABOUT MEANING OF "OTHER FACILITIES" BUT INDICATED IT WOULD  
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C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 01031

INCLUDE LABORATORY-SCALE PRODUCTION FACILITIES.

4. ARTICLE VI (FORMERLY SECTION II, PARA 1 OF DECLARATION/ DESTRUCTION). THIS ARTICLE PROVIDES FOR DECLARATION OF PLANS FOR ELIMINATION OR DISMANTLING OF INDUSTRIAL OR OTHER CAPABILITIES FOR PRODUCTION OF THE MEANS OF CHEMICAL WARFARE SPECIFIED IN ARTICLE I. SALIENT POINTS ARE:

A. USE OF THE TERM "CAPABILITIES" INSTEAD OF "FACILITIES".  
RUSSIANS INDICATED THAT TERM "CAPABILITIES" MEANS  
EQUIPMENT WHICH PROVIDES ABILITY TO PRODUCE, WHILE  
"FACILITIES" INCLUDES ALL EQUIPMENT PLUS THE BUILDINGS.  
ELIMINATION OF A "CAPABILITY" MEANS TO ELIMINATE THE  
ABILITY TO PRODUCE A GIVEN ITEM AND APPARENTLY MAY BE  
ACCOMPLISHED BY REMOVING OR MODIFYING A KEY PIECE OF  
EQUIPMENT.

B. IN SPITE OF RELATIVELY INTENSIVE QUESTIONING OF THE  
SOVIET EXPERTS, WE STILL DO NOT HAVE A CLEAR UNDER-  
STANDING OF WHAT "ELIMINATION OR DISMANTLING" OF CW  
PRODUCTION CAPABILITY WOULD MEAN IN PRACTICE. THE  
SOVIETS HAVE TALKED ABOUT "REMOVING" THE ABILITY TO  
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PRODUCE PROHIBITED ITEMS, BUT THE FEW EXAMPLES GIVEN  
(REMOVAL OF CERTAIN CONTROL INSTRUMENTS AND OF TEMPERA-  
TURE REGULATION) ARE NOT PERSUASIVE.

C. US SIDE ASKED IF THE PLANS FOR DESTRUCTION OF  
CAPABILITIES WOULD INCLUDE AN EXACT LIST OF FACILITIES.  
SOVIET RESPONSE WAS THAT THIS IS A SUBJECT FOR DIS-  
CUSSION.

D. BY REFERRING TO "INDUSTRIAL AND OTHER CAPABILITIES"  
FOR PRODUCING PROHIBITED ITEMS, THE ARTICLE COULD  
EASILY BE INTERPRETED TO REQUIRE DECLARATION OF PLANS  
FOR GETTING RID OF ALL FACILITIES CAPABLE OF MAKING ANY  
CHEMICAL WHICH COULD BE USED FOR CW PURPOSES. WHEN  
QUESTIONED, THE SOVIET SIDE SAID THEY MEANT ALL FACILITIES  
DESIGNED OR USED FOR PRODUCTION OF ITEMS PROHIBITED  
UNDER ARTICLE I. THE PREVIOUS VERSION REFERRED SPECI-  
FICALLY TO PRODUCTION OF "SINGLE-PURPOSE" CHEMICALS.

5. ARTICLE VII (FORMERLY SECTION II, PARA 2 OF DE-  
CLARATION/DESTRUCTION). THIS ARTICLE CONTAINS THE  
OBLIGATION TO ELIMINATE CW PRODUCTION CAPABILITIES.  
HERE AGAIN THERE ARE UNCERTAINTIES RESULTING FROM THE  
WAY IN WHICH THE ARTICLE IS DRAFTED:

A. ODDLY, IN CONTRAST TO THE PREVIOUS VERSION, IT DOES  
NOT REFER TO THE DESTRUCTION PLANS REQUIRED BY THE  
PREVIOUS ARTICLE NOR DOES IT USE THE SAME FORMULATION  
IN REFERRING TO CW PRODUCTION CAPABILITY. THE SOVIETS  
HAVE INDICATED THAT THE COVERAGE OF THE TWO FORMULA-  
TIONS WAS INTENDED TO BE THE SAME. IN FACT, THEY  
VOLUNTEERED THAT IT MIGHT BE BETTER TO COMBINE ARTICLES  
VI AND VII.

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B. THE NEW FORMULATION, REFERS TO "CAPABILITIES WHICH WERE DESIGNED OR USED EXCLUSIVELY" FOR CW PRODUCTION. IT WOULD APPEAR TO MEAN THAT, FOR EXAMPLE, IF A NERVE GAS PRODUCTION "CAPABILITY" HAD ALSO BEEN USED FOR ANY OTHER PURPOSE AT ANYTIME IT WOULD NOT HAVE TO BE DISMANTLED. WHEN QUESTIONED, THE SOVIETS SAID THEY WERE TRYING TO CONVEY THE MEANING PREVIOUSLY CONVEYED BY THE TERM "SINGLE-PURPOSE", WHICH HAS NOW BEEN DROPPED. FROM THE CONTEXT OF THE DISCUSSIONS, THE SOVIETS APPEARED NOT TO UNDERSTAND THE DISTINCTION BETWEEN A "SINGLE-PURPOSE FACILITY" (USED ONLY FOR CW PRODUCTION) AND "A FACILITY WHICH PRODUCES SINGLE-PURPOSE AGENTS" (BUT MAY ALSO PRODUCE OTHER CHEMICALS).

C. IT SHOULD ALSO BE NOTED THAT THE SOVIETS HAVE ACCEPTED THE US SUGGESTION THAT CAPABILITIES/FACILITIES "DESIGNED" FOR CW PRODUCTION BE INCLUDED. HOWEVER, IN THEIR DISPOSITION PLANS THEY WOULD ONLY INCLUDE FACILITIES "CURRENTLY" PRODUCING OR WHICH ARE NOT IN USE BUT STILL RETAIN THEIR PRODUCTION CAPABILITY (I.E., FACILITIES "DESIGNED" FOR SUCH PRODUCTION.) FACILITIES WHICH HAD BEEN CONVERTED WOULD NOT BE IDENTIFIED. VANDEN HEUVEL

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## Message Attributes

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